THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14220 OF 1998

DATED: 9-10-2006

Between :

M.S. Ali Khan .. Petitioner

And

Andhra Pradesh Housing Board, rep. by
Its Vice-Chairman, Gruhakalpa Buildings,
M.J. Road, Hyderabad and another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14220 OF 1998

ORDER :

The writ petitioner is the tenant of Shop No.6 (old), M.J. Road, Hyderabad belonging to the A.P. Housing Board.

This writ petition is filed questioning the order passed by the 2nd respondent – Competent Authority i.e., A.P. Housing Board under Section 52 of the A.P. Housing Board Act, 1956 (for short, 'the Act') directing the petitioner to pay a sum of Rs.2,44,995/- towards arrears of rents in respect of the premises in question and also to vacate the premises within 30 days.

I have heard the learned Counsel for both the parties and perused the material on record.

A perusal of the impugned order shows that the same is in the nature of a provisional order and the petitioner was directed to appear before the competent authority on 25-3-1998 if he wants to represent in the matter. The petitioner states that as a matter of fact he appeared before the 2nd respondent on 25-3-1998 and submitted his counter raising objections against the demand towards alleged arrears of rents. It is alleged that the respondents failed to consider the same and even without passing any final order as such have been attempting to vacate the petitioner forcibly. Hence, this writ petition.

This Court while directing Rule Nisi, by order dated 28-5-1998 granted interim stay of dispossession of the petitioner subject to the condition on payment of half of the arrears of rent within two months. The said order continued to be in force till today and no

counter-affidavit has been filed by the respondents contradicting the allegations made by the petitioner.

Having regard to the facts and circumstances of the case, particularly in view of the fact that in response to the impugned notice dated 12-3-1998 the petitioner has already filed his counter raising objections against the action proposed, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent to consider the objections raised by the petitioner and pass appropriate orders in accordance with law, if not already passed, within 8 weeks from the date of receipt of this order. Till such time, Status Quo obtaining as on today as to the nature and possession of the shop in question shall be maintained.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 9-10-2006
bss